

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION**

**COMPASS BANK,**  
*Plaintiff,*

**vs**

**RESTAURANT MANAGERS.COM, INC.**  
**and MARCOS G. SAINZ**  
*Defendants*

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**CIVIL ACTION NO. M- 7:11-317**

**EXPERT REPORT OF STEPHEN L. DITTLINGER**

1. My name is Stephen L. Dittlinger and I am an attorney licensed to practice law in the State of Texas since May 1978. I am admitted to practice before the United States District Courts for the Southern District of Texas, as well as the United States District Court for the Western District of Texas. Over the past 25 years my practice has been concentrated in the areas of insurance defense, commercial litigation and bankruptcy. I have also been involved in representation of financial institutions in litigated matters over the past two years. I have tried more than 75 cases to verdict before juries in state and federal court. I am rated AV by the Martindale-Hubbell Legal Directory Service. At the present time I am a solo practitioner and serve in an of counsel capacity with the Laredo, Texas law firm of Trevino, Valls & Haynes, L.L.P. A copy of my resume is attached as an exhibit to this report.

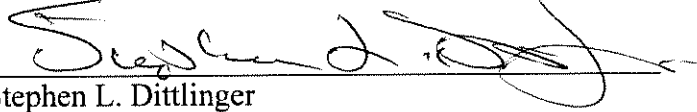
2. This is a suit on a promissory note executed by the Defendant Restaurant Managers.Com, Inc. and a written guaranty agreement executed by the Defendant Marcos G. Sainz. I have been retained by Compass Bank to represent it in legal collection

efforts. I will serve as an expert witness in this case on the issue of the amount of attorney's fees that were incurred by Compass Bank in attempting to collect on the note. I will express opinions about the work which I have actually performed and will perform until the conclusion of the case. In forming my opinions, I will rely on my personal knowledge of the work that I have actually performed as well as my general experience in handling litigated matters over the past 34 years. the work that I actually performed.

3. The hourly rate I have charged for my services in this case is \$225.00 per hour. That is a customary rate for the services of attorneys with comparable levels of experience and expertise in litigation in the Southern District of Texas in general and in Hidalgo County in particular. Because I practice in Webb County, Texas it has been and will be necessary to travel to McAllen, Texas to attend court and to conduct discovery. To date I spent a total of 36.40 hours in drafting the documents necessary for the filing of this case, obtaining service on the Defendants, attending scheduled court conferences, preparing discovery to be propounded to the Defendants and filing required reports. At the hourly rate I am charging Compass Bank has incurred \$9052.77 in attorney's fees. In my opinion these charges are reasonable in nature considering that this is a suit attempting to collect nearly \$500,000 in debt and were necessary in order to prepare this case for trial up to this point. It is my opinion that Compass Bank will incur an additional \$4,500.00 in attorney's fees in obtaining a final judgment in this matter.

Respectfully submitted,

**LAW OFFICES OF STEPHEN L. DITTLINGER**



Stephen L. Dittlinger

**Attorney-in-Charge for Plaintiff**

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State Bar of Texas No. 05900500  
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Laredo, Texas 78041  
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**CERTIFICATE OF SERVICE**

I certify that a true copy of this document was served on the following, in compliance with the Federal Rules of Civil Procedure and the local rules of procedure for the Southern District of Texas on May 4, 2012.

*Via electronic mail: dsanchez@swjz.com*

Mr. Dennis Sanchez  
Sanchez, Whittington, Zabarte & Wood, L.L.C.  
3505 Boca Chica, Suite 100  
Brownsville, Texas 78521

  
STEPHEN L. DITTLINGER

## **RESUME OF STEPHEN L. DITTLINGER**

### ***Stephen L. Dittlinger***

*6909 Springfield, Suite 201  
Laredo, Texas 78041  
(956) 796-8855  
sdittlinger@gmail.com*

### ***Education***

*St. Mary's University School of Law  
San Antonio, Texas  
J.D. with Distinction 1977*

*University of Texas  
Austin, Texas  
B.A. with Honors 1974*

### ***Licenses***

*State Bar of Texas  
U.S. Circuit Court of Appeals---Fifth Circuit  
U.S. District Court- Western District of Texas  
U.S. District Court- Southern District of Texas  
U.S. District Court- Eastern District of Michigan*

### ***Memberships***

*American Board of Trial Advocates  
Phi Delta Phi Legal Fraternity  
John M. Harlan Legal Honor Society*

### ***Litigation/Trial Practice***

*General Civil and Trial Practice in State and Federal Courts including: Bankruptcy; Defense of employment discrimination claims; Defense of automobile and commercial vehicle accident claims; Probate Litigation; Business Litigation; and Appellate law.*